

## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q58513

Ryuji UENO, et al.

Allowed: June 1, 2006

Appln. No.: 09/816,655

Group Art Unit: 1614

Confirmation No.: 5746

Examiner: Zohreh A. FAY

Filed: March 26, 2001

For:

APOPTOSIS INHIBITOR

## **REQUEST FOR FULLY INITIALED PTO-1449 FORM**

## MAIL STOP ISSUE FEE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

On review of the above-identified application, Applicants note that the Examiner has not initialed the citation to EP 0 911 314 A on the Form PTO-1449 filed July 31, 2001 and attached to the February 27, 2002 Office Action, probably as a result of an oversight, despite the request made in the Amendment filed April 28, 2005. Accordingly, Applicants respectfully request that the Examiner consider and initial this citation, and return a copy of the new initialed PTO-1449 to Applicants. For the Examiner's convenience, a copy of the July 31, 2001 form returned partially initialed with the February 27, 2002 Office Action is attached.

Respectfully submitted,

SUGHRUE MION, PLLC

Telephone: (202) 293-7060

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23373
CUSTOMER NUMBER

Date: July 7, 2006

Bruce E. Kramer

Registration No. 33,725

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|--------------------------------------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Form FTO-1449<br>(Rev. 2-32)                                       | 18                                            | U.S. Department of C                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                 | Q58513                                                                                                                                                                |                                                                                          | nation No.: 5                                                                      |                                                                     |
| INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                 | Applicant: Ryuji UENO, et al.                                                                                                                                         |                                                                                          |                                                                                    |                                                                     |
|                                                                    |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                 | Filing Date: March 26, 2001                                                                                                                                           | Group:<br>1614                                                                           |                                                                                    |                                                                     |
|                                                                    |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | U.S. PATE                                                                                                                                       | NT DOCUMENTS                                                                                                                                                          |                                                                                          |                                                                                    |                                                                     |
| Examiner                                                           |                                               | Document Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Date                                                                                                                                            | Name                                                                                                                                                                  | Class                                                                                    | Sub-                                                                               | Filing Date                                                         |
| Initial                                                            |                                               | Document Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Date                                                                                                                                            | 1,41115                                                                                                                                                               |                                                                                          | Class                                                                              | (if appropriate)                                                    |
| 2.6                                                                |                                               | 6,087,395                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 06/11/00                                                                                                                                        | Watanabe et al                                                                                                                                                        | 514                                                                                      | 530                                                                                |                                                                     |
| APEX.                                                              |                                               | 5,073,569                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 12/17/91                                                                                                                                        | Ueno et al                                                                                                                                                            | 514                                                                                      | 530                                                                                |                                                                     |
| ( <del>2)</del>                                                    | 7                                             | 5,221,763                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 06/22/93                                                                                                                                        | Ueno et al                                                                                                                                                            | 560                                                                                      | 121                                                                                |                                                                     |
| ₹ . Cm                                                             | 1                                             | 5,166,174                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 11/24/92                                                                                                                                        | Ueno et al                                                                                                                                                            | 514                                                                                      | 530                                                                                |                                                                     |
| 111 3 1 2001                                                       | 20                                            | 5,212,324                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 05/18/93                                                                                                                                        | Ueno                                                                                                                                                                  | 554                                                                                      | 118                                                                                |                                                                     |
| - June                                                             | <u>5/                                    </u> | 5,739,161                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 04/14/98                                                                                                                                        | Ueno                                                                                                                                                                  | 514                                                                                      | 530                                                                                |                                                                     |
| TRADEME                                                            | /                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                 |                                                                                                                                                                       |                                                                                          |                                                                                    |                                                                     |
| TRADE                                                              |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                 |                                                                                                                                                                       |                                                                                          |                                                                                    |                                                                     |
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| <u> </u>                                                           |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                 |                                                                                                                                                                       |                                                                                          |                                                                                    |                                                                     |
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|                                                                    | <u> </u>                                      | ·                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | FOREIGN PA                                                                                                                                      | TENT DOCUMENTS                                                                                                                                                        |                                                                                          |                                                                                    |                                                                     |
|                                                                    | <br>                                          | Document                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                 | TENT DOCUMENTS Country                                                                                                                                                | Class                                                                                    | Sub-                                                                               | Translation                                                         |
|                                                                    |                                               | Document                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | FOREIGN PA                                                                                                                                      | TENT DOCUMENTS Country                                                                                                                                                | Class                                                                                    | Sub-<br>class                                                                      | Translation<br>Yes/No                                               |
|                                                                    |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Date                                                                                                                                            | Country                                                                                                                                                               | Class                                                                                    | 1                                                                                  |                                                                     |
|                                                                    |                                               | Document 0 911 314 A1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                 |                                                                                                                                                                       |                                                                                          | class                                                                              |                                                                     |
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|                                                                    |                                               | 0 911 314 A1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Date 04/28/99                                                                                                                                   | EP                                                                                                                                                                    | C07C                                                                                     | class<br>69/732                                                                    |                                                                     |
|                                                                    |                                               | O 911 314 A1 OTHER DOCUME                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Date 04/28/99 ENTS (Includin                                                                                                                    | Country  EP  ag Author, Title, Date, Po                                                                                                                               | C07C                                                                                     | class<br>69/732                                                                    | Yes/No                                                              |
| 3. C                                                               |                                               | OTHER DOCUME Shahinfar, S. et al., "A p                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Date  04/28/99  ENTS (Including pathologic study) 1, 1991                                                                                       | Country  EP  ag Author, Title, Date, Poly of photoreceptor cell of                                                                                                    | C07C                                                                                     | class<br>69/732<br>es, Etc.)                                                       | Yes/No  Iry", Current Eye                                           |
| 2.6                                                                |                                               | OTHER DOCUME Shahinfar, S. et al., "A p                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Date  04/28/99  ENTS (Including pathologic study) 1, 1991                                                                                       | Country  EP  ag Author, Title, Date, Poly of photoreceptor cell of                                                                                                    | C07C                                                                                     | class<br>69/732<br>es, Etc.)                                                       | Yes/No  Iry", Current Eye                                           |
| 2. C                                                               |                                               | OTHER DOCUME Shahinfar, S. et al., "A presearch, Volume 10, No. Aoyama-Hayashi, E. et                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Date  04/28/99  ENTS (Including pathologic studing No. 1, 1991  al., "PGE1 in h                                                                 | Country  EP  ag Author, Title, Date, Poly of photoreceptor cell on bibited daunorubicin-industrials.                                                                  | corc ertinent Page death in retin                                                        | class<br>69/732<br>es, Etc.)                                                       | Yes/No  Iry", Current Eye                                           |
| 5 · C                                                              |                                               | OTHER DOCUME Shahinfar, S. et al., "A p Research, Volume 10, 1 Aoyama-Hayashi, E. et U937, Japanese Journal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Date  04/28/99  ENTS (Includin pathologic stud No. 1, 1991 al., "PGE <sub>1</sub> in head of Inflammati                                         | rg Author, Title, Date, Poly of photoreceptor cell on bited daunorubicin-indron, Vol. 18, No. 5, Septe                                                                | ertinent Page death in retinuced apoptosember 1998                                       | class 69/732 es, Etc.) al photic inju                                              | Yes/No  Iry", Current Eye                                           |
| 2. C<br>2. C<br>2. C                                               |                                               | OTHER DOCUME Shahinfar, S. et al., "A presearch, Volume 10, No. Aoyama-Hayashi, E. et U937, Japanese Journal Duvall, E. et al., "Death Trauth, B. et al., "Mono.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Date  04/28/99  ENTS (Including pathologic studing No. 1, 1991) al., "PGE1 in his of Inflammating and the cell", oclonal Antibodo               | Country  EP  ag Author, Title, Date, Poly of photoreceptor cell on bibited daunorubicin-industrials.                                                                  | ertinent Page<br>death in retinuced apoptosember 1998                                    | class<br>69/732<br>es, Etc.)<br>al photic inju                                     | Yes/No  Iry", Current Eye  leukemia cell line,                      |
| 5. C                                                               |                                               | OTHER DOCUME Shahinfar, S. et al., "A processes and the second of the se | Date  04/28/99  ENTS (Including pathologic studing No. 1, 1991) al., "PGE1 in his of Inflammating and the cell", oclonal Antibodo               | g Author, Title, Date, Poly of photoreceptor cell on bited daunorubicin-indon, Vol. 18, No. 5, Septe Immunology Today, Vo                                             | ertinent Page<br>death in retinuced apoptosember 1998                                    | class<br>69/732<br>es, Etc.)<br>al photic inju                                     | Yes/No  Iry", Current Eye  leukemia cell line,                      |
| 5.f.                                                               |                                               | OTHER DOCUME Shahinfar, S. et al., "Aŋ Research, Volume 10, Ŋ Aoyama-Hayashi, E. et U937, Japanese Journal Duvall, E. et al., "Death Trauth, B. et al., "Mono Vol. 245, July 21, 1989                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Date  04/28/99  ENTS (Including pathologic studing No. 1, 1991) al., "PGE1 in his of Inflammating and the cell", oclonal Antibodo               | EP  ag Author, Title, Date, Poly of photoreceptor cell of the control on, Vol. 18, No. 5, September 18, No. 5, September 18, No. 6, September 19, Mediated Tumor Reg  | ertinent Page<br>death in retinuced apoptosember 1998<br>d. 7, No. 4. 1<br>ression by Ir | class<br>69/732<br>es, Etc.)<br>al photic injusis of human<br>986<br>aduction of A | Yes/No  Iry", Current Eye  leukemia cell line,                      |
| 5. C                                                               | 2                                             | OTHER DOCUME Shahinfar, S. et al., "Aŋ Research, Volume 10, Ŋ Aoyama-Hayashi, E. et U937, Japanese Journal Duvall, E. et al., "Death Trauth, B. et al., "Mono Vol. 245, July 21, 1989                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Date  04/28/99  ENTS (Including pathologic studing No. 1, 1991) al., "PGE1 in his of Inflammating and the cell", oclonal Antibodo               | g Author, Title, Date, Poly of photoreceptor cell on bited daunorubicin-indon, Vol. 18, No. 5, Septe Immunology Today, Vo                                             | ertinent Page<br>death in retinuced apoptosember 1998<br>d. 7, No. 4. 1<br>ression by Ir | class<br>69/732<br>es, Etc.)<br>al photic inju                                     | Yes/No  Iry", Current Eye  leukemia cell line,                      |
| EXAMINER:                                                          | Initi                                         | OTHER DOCUME Shahinfar, S. et al., "Aŋ Research, Volume 10, Ŋ Aoyama-Hayashi, E. et U937, Japanese Journal Duvall, E. et al., "Death Trauth, B. et al., "Mono Vol. 245, July 21, 1989                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Date  04/28/99  ENTS (Including pathologic studing No. 1, 1991  al., "PGE <sub>1</sub> in held of Inflammating and the cell", poclonal Antibody | EP  ag Author, Title, Date, Poly of photoreceptor cell of the control on, Vol. 18, No. 5, Septe Immunology Today, Voly-Mediated Tumor Registration is in conformance. | ertinent Page death in retinuced apoptos ember 1998 d. 7, No. 4. 1 ression by Ir         | class 69/732 es, Etc.) al photic injustion of A 2 6 / C                            | Yes/No  Try", Current Eye leukemia cell line,  Apoptosis", Science, |